

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3128

FINANCIAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 SEP 14 AM 8:58

September 13, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *for PCO*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *for PCO*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation –2016 July Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for the following committees that failed to file the report is outlined below:

The committee (AF 3122) represents a candidate that participated in the 2016 Primary in Georgia. The committee was required to file a 2016 July Quarterly Report (Q2) covering May 5, 2016 through June 30, 2016 (57 days). In order to determine the civil money penalty, an estimated level of activity was calculated using a per diem average by multiplying the previous

activity reported for the 2015-2016 election cycle (\$684,828) by 45.60% (the number of days required in Q2 (57) divided by the number of days included in the Committee's 2015-2016 election cycle reports (125)).

The committee (AF 3130) represents a candidate that participated in the 2016 Primary in California. The committee was required to file a 2016 July Quarterly Report (Q2) covering May 19, 2016 through June 30, 2016 (43 days). In order to determine the civil money penalty, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2015-2016 election cycle (\$257,711) by 30.93% (the number of days required in Q2 (43) divided by the number of days included in the Committee's 2015-2016 election cycle reports (139)).

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2016 JULY QUARTERLY Not Election Sensitive 07/15/2016 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3117	C00572537	AMERICANS SOCIALLY UNITED		CARY L. PETERSON	\$233,949	1		Not Filed	\$233,949 (est)	\$11,106
3118	C00588756	BRIAN SIMS FOR CONGRESS	BRIAN KENDALL SIMS	ANDREA LAWFUL SANDERS	\$535,449	0		Not Filed	\$267,725 (est)	\$10,935
3119	C00496927	CITIZENS SUPER PAC FOR AMERICA (CSPAC)		SIDDIQ MUMIN	\$463,130	0		Not Filed	\$144	\$144
3120	C00554253	CLAITOR FOR CONGRESS	DANIEL A. CLAITOR	CHELSEA BONNECAZE	\$120,518	4		Not Filed	\$120,518 (est)	\$12,302
3121	C00551465	COMMITTEE TO ELECT J.D. WINTEREGG	J.D. WINTEREGG	BETH COX	\$165,803	0		Not Filed	\$27,634 (est)	\$1,157
3122	C00613786	COWAN FOR CONGRESS, INC.	DANIEL COWAN	LEIGH ANN GILLIS	\$684,828	0		Not Filed	\$312,281 (est)	\$10,935
3123	C00030734	DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE		MARK GORMAN	\$181,065	0	7/28/2016	13	\$43,269	\$611

3126	C00518365	ESPAILLAT FOR CONGRESS	ADRIANO ESPAILLAT	RAFAEL LANTIGUA	\$103,607	0	8/8/2016	24	\$9,379	\$208
3127	C00593525	ESPAILLAT FOR CONGRESS 2016	ADRIANO ESPAILLAT	RAYSA CASTILLO	\$1,070,219	0	8/8/2016	24	\$341,768	\$8,602
3128	C00586578	FETTERMAN FOR SENATE	JOHN KART FETTERMAN	PHYLLIS GREATHOUSE-BROWN	\$1,512,293	0	7/27/2016	12	\$350,008	\$6,010
3129	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$113,849	3		Not Filed	\$19,804	\$1,125
3130	C00606897	MATT KOKKONEN FOR CONGRESS	MATT KOKKONEN	JACOB THOMAS	\$257,711	0		Not Filed	\$79,710 (est)	\$4,784

3132	C00150995	NATIONAL PAC INC A/K/A NATPAC		DEBORAH ANN CAPOCCI	\$195,419	0		Not Filed	\$65,139 (est)	\$3,691
3133	C00134676	PHOENIX FIRE FIGHTERS, LOCAL 493, FIRE PAC COMMITTEE		BRYAN WILLINGHAM	\$376,301	0	7/21/2016	6	\$59,878	\$1,028
3134	C00362632	SWING STATES FOR A CONSERVATIVE WHITE HOUSE PAC INC		OFFICE OF TREASURER	\$134,449	0		Not Filed	\$44,816 (est)	\$1,157

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3135	C00613216	THE CANDIDATE BILLY DAVIS INC.	BILLY DAVIS	BILLY DAVIS	\$146,000	0		Not Filed	\$17,906 (est)	\$643
3136	C00560649	TOM CARTER FOR CONGRESS	THOMAS G. CARTER	THOMAS CARTER	\$137,286	0		Not Filed	\$137,286 (est)	\$6,151
3137	C00573428	WHITWELL FOR CONGRESS	ROBERT QUENTIN WHITWELL JR.	OFFICE OF TREASURER	\$437,531	1		Not Filed	\$72,922 (est)	\$4,613
3138	C00520064	WILLIAM LLOP CPA FOR CONGRESS	WILLIAM LLOP	WILLIAM LLOP	\$312,739	0	7/22/2016	7	\$109,185	\$2,017
3139	C00592519	YUNGMAN LEE FOR CONGRESS	YUNGMAN F. LEE	GUANG QUAN WU	\$739,988	0	7/27/2016	12	\$88,669	\$2,191

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation --)
2016 July Quarterly Report for the)
Administrative Fine Program:)
AMERICANS SOCIALLY UNITED, and) AF# 3117
PETERSON, CARY L as treasurer;)
BRIAN SIMS FOR CONGRESS, and) AF# 3118
SANDERS, ANDREA LAWFUL as)
treasurer;)
CITIZENS SUPER PAC FOR AMERICA) AF# 3119
(CSPAC), and SIDDIQ MUMIN as)
treasurer;)
CLAITOR FOR CONGRESS, and) AF# 3120
CHELSEA BONNECAZE as treasurer;)
COMMITTEE TO ELECT JD) AF# 3121
WINTEREGG, and COX, BETH as)
treasurer;)
COWAN FOR CONGRESS, INC., and) AF# 3122
GILLIS, LEIGH ANN as treasurer;)
DISTILLED SPIRITS COUNCIL OF THE) AF# 3123
UNITED STATES INC POLITICAL)
ACTION COMMITTEE, and GORMAN,)
MARK MR. as treasurer;)

ESPAILLAT FOR CONGRESS, and) AF# 3126
LANTIGUA, RAFAEL as treasurer;)
ESPAILLAT FOR CONGRESS 2016, and) AF# 3127
RAYSA CASTILLO as treasurer;)
FETTERMAN FOR SENATE, and) AF# 3128
PHYLLIS GREATHOUSE-BROWN as)
treasurer;)
INT LONGSHOREMENS ASSOC (ILA)) AF# 3129
LOCAL 1291 POLITICAL ACTION)
COMMITTEE, and MARTIN MASCUILLI)
as treasurer;)
MATT KOKKONEN FOR CONGRESS,) AF# 3130
and THOMAS, JACOB CPA as treasurer;)

NATIONAL PAC INC A/K/A NATPAC,) AF# 3132
and CAPOCCI, DEBORAH ANN MRS. as)
treasurer;)
PHOENIX FIRE FIGHTERS, LOCAL 493,) AF# 3133
FIRE PAC COMMITTEE, and)
WILLINGHAM, BRYAN as treasurer;)
THE CANDIDATE BILLY DAVIS INC.,) AF# 3135
and DAVIS, BILLY as treasurer;)
TOM CARTER FOR CONGRESS, and) AF# 3136
CARTER, THOMAS as treasurer;)
WILLIAM LLOP CPA FOR CONGRESS,) AF# 3138
and WILLIAM LLOP as treasurer;)
YUNGMAN LEE FOR CONGRESS, and) AF# 3139
GUANG QUAN WU as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on September 15, 2016 the Commission took the following actions on the Reason To Believe Recommendation – 2016 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2016, on the following committees:

AF#3117 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS SOCIALLY UNITED, and PETERSON, CARY L in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3118 Decided by a vote of 6-0 to: (1) find reason to believe that BRIAN SIMS FOR CONGRESS, and SANDERS, ANDREA LAWFUL in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3119 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS SUPER PAC FOR AMERICA (CSPAC), and SIDDIQ MUMIN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3120 Decided by a vote of 6-0 to: (1) find reason to believe that CLAITOR FOR CONGRESS, and CHELSEA BONNECAZE in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3121 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT JD WINTEREGG, and COX, BETH in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3122 Decided by a vote of 6-0 to: (1) find reason to believe that COWAN FOR CONGRESS, INC., and GILLIS, LEIGH ANN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3123 Decided by a vote of 6-0 to: (1) find reason to believe that DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE, and GORMAN, MARK MR. in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3126 Decided by a vote of 6-0 to: (1) find reason to believe that ESPAILLAT FOR CONGRESS, and LANTIGUA, RAFAEL in his official as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3127 Decided by a vote of 6-0 to: (1) find reason to believe that ESPAILLAT FOR CONGRESS 2016, and RAYSA CASTILLO in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3128 Decided by a vote of 6-0 to: (1) find reason to believe that FETTERMAN FOR SENATE, and PHYLLIS GREATHOUSE-BROWN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3129 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3130 Decided by a vote of 6-0 to: (1) find reason to believe that MATT KOKKONEN FOR CONGRESS, and THOMAS, JACOB CPA in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3132 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL PAC INC A/K/A NATPAC, and CAPOCCI, DEBORAH ANN MRS. in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3133 Decided by a vote of 6-0 to: (1) find reason to believe that PHOENIX FIRE FIGHTERS, LOCAL 493, FIRE PAC COMMITTEE, and WILLINGHAM, BRYAN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3135 Decided by a vote of 6-0 to: (1) find reason to believe that THE CANDIDATE BILLY DAVIS INC., and DAVIS, BILLY in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3136 Decided by a vote of 6-0 to: (1) find reason to believe that TOM CARTER FOR CONGRESS, and CARTER, THOMAS in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3138 Decided by a vote of 6-0 to: (1) find reason to believe that WILLIAM LLOP CPA FOR CONGRESS, and WILLIAM LLOP in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
September 15, 2016

Page 6

AF#3139 Decided by a vote of 6-0 to: (1) find reason to believe that YUNGMAN LEE FOR CONGRESS, and GUANG QUAN WU in his official capacity is treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 16, 2016
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2016

Phyllis Greathouse-Brown, in official capacity as Treasurer
Fetterman for Senate
P.O. Box F
Braddock, PA 15104

C00586578
AF#: 3128

Dear Ms. Greathouse-Brown:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 7, 2016 through June 30, 2016, shall be filed no later than July 15, 2016. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on July 27, 2016, 12 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 15, 2016, the FEC found that there is reason to believe ("RTB") that Fetterman for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,010. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>, 11 CFR § 111.34. Your payment of \$6,010 is due within forty (40) days of the finding, or by October 25, 2016, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$350,008
Number of Days Late: 12
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the

Commission's RTB finding, or October 25, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Fetterman for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

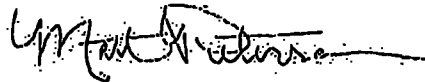
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$6,010 for the 2016 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Fetterman for Senate

FEC ID#: C00586578

AF#: 3128

PAYMENT DUE DATE: October 25, 2016

PAYMENT AMOUNT DUE: \$6,010

ADAM C. BONIN

RECEIVED
FEC MAIL CENTER
2016 OCT 25 AM 11:52

ADAM C. BONIN
Direct Phone 267.242.5014
Direct Fax 215.701.2321
adam@boninlaw.com

October 24, 2016

Office of Administrative Review
Federal Election Commission
999 E Street
Washington, DC 20463

re: **AF #3124 (Fetterman for Senate, C00586578)**

To the Commission:

As authorized counsel on behalf of Fetterman for Senate, I request a reduction of the civil money penalty assessed here.

We do not contest that the July 15 quarterly report was not filed in a timely manner. It was filed 12 days late. However, we believe the amount of fine has been miscalculated.

We recognize that this has been labeled a "Non Election Sensitive" report already, but if ever there were a case for a Truly Non Sensitive classification it would be here. The election in question was held on April 26, 2016, in which Mr. Fetterman fell over 362,000 votes short of victory – or more than double what he received. Afterwards, of course, his campaign team disbanded. So we're talking about reporting following an unsuccessful candidacy, not a continuing one, and the October 15 report was timely filed as a termination report.

There were twenty days of pre-election reporting covered by this report, and the campaign did timely file all the required 48 Hour Reports. What remained un-reported post-election, and filed on July 27 instead of July 15, were the campaign's expenditures and a tiny number of post-election contributions, as well as those pre-primary contributions which failed to meet the 48-hour reporting threshold.

In addition to there being no money remaining in the campaign account, the campaign's treasurer is a 74-year-old who volunteers in the thrift store which Mayor Fetterman established in his hometown of Braddock, not an experienced professional. We are not arguing the report did not need to be timely-filed – of course it should have been, and of course everyone involved

October 24, 2016

regrets the brief delay – but we merely argue that based on the actual relevance of this report months post-election, and the amounts involved, that to visit a fine this high on the defunct committee or its treasurer would be unjust.

A first-time candidate who lost his primary neglected to properly file a post-election report in a timely manner, long after all the campaign staff had departed. As soon as the error was noticed, it was dealt with as quickly as possible. Twelve days late is not ideal, but it's also only twelve days.

The amount of the fine is unjust and should be reduced. We appreciate your consideration of this matter, and apologize again for the late filing. If you have any further questions, please do not hesitate to contact me.

Very truly yours,


ADAM C. BONTA



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 2016

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 3128 – Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer (C00586578)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty.

Reason-to-Believe Background

The 2016 July Quarterly Report was due on July 15, 2016. The respondents filed the report on July 27, 2016, 12 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On September 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 July Quarterly Report and made a preliminary determination that the civil money penalty was \$6,010 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 16, 2016 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 52 U.S.C. § 30102(g) and 11 C.F.R. § 105.2. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 52 U.S.C. § 30104(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On October 25, 2016, the Commission received the written response ("challenge") from the respondents' counsel. Counsel does not dispute the lateness of the report, but he requests that the penalty be reduced. The challenge states that the Candidate was unsuccessful in the 2016 Pennsylvania Primary Election, the Committee disbanded thereafter, and they have since filed a Termination Report.

Counsel further explains:

There were twenty days of pre-election reporting covered by this report, and the campaign did timely file all the required 48 Hour Reports. What remained unreported post-election, and filed on July 27 instead of July 15, were the campaign's expenditures and a tiny number of post-election contributions, as well as those pre-primary contributions which failed to meet the 48-hour reporting threshold.

In addition to there being no money remaining in the campaign account, the campaign's treasurer is a 74-year-old who volunteers in the thrift store which Mayor Fetterman established in his hometown of Braddock, not an experienced professional.

Analysis

The Committee filed the 2016 July Quarterly Report on July 27, 2016, 12 days late. For an authorized committee of a candidate, the level of activity is the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3). The Reviewing Officer confirms that the level of activity disclosed in the 2016 July Quarterly Report is \$350,008, as calculated at RTB. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for the level of activity bracket of \$350,000 - 449,999.99, the civil money penalty is $[\$2,734 + (\$273 \times 12 \text{ days late})] \times [1 + (.25 \times 0 \text{ previous violations})]$ or \$6,010.

The Reviewing Officer recognizes the Committee disbanded after the Candidate lost the 2016 Pennsylvania Primary Election. However, inexperience or unavailability of a committee's treasurer or staff is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's cash on hand and intent to terminate are also not considered. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3128 involving Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3128 that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 -

Attachment 2 - Declaration from RAD

Attachment 3 - Declaration from OAR

UNCONFIDENTIAL

DECLARATION OF KRISTIN D. ROSER

- 17062712494
1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
 2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
 3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Fetterman for Senate:
 - A) Termination Report Request for Additional Information, dated December 1, 2016, referencing the Termination Report covering July 1, 2016 through October 13, 2016 (sent via electronic mail to: hello@johnfetterman.com);
 - B) Reason-to-Believe Letter, dated September 16, 2016, referencing the 2016 July Quarterly Report (sent via overnight mail to the address of record).
 4. I hereby certify that I have searched the Commission's public records and find that Fetterman for Senate filed the 2016 July Quarterly Report with the Commission on July 27, 2016.
 5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 6th day of December, 2016.

Kristin D. Roser
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 1, 2016

PHYLLIS GREATHOUSE-BROWN, TREASURER
FETTERMAN FOR SENATE
P.O. BOX F
BRADDOCK, PA 15104

Response Due Date
01/05/2017

IDENTIFICATION NUMBER: C00586578

REFERENCE: OCTOBER QUARTERLY TERMINATION REPORT (07/01/2016 -
10/13/2016)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following 1 item(s):

- Your committee has requested that the Commission permit your committee to terminate pursuant to 52 U.S.C. §30103(d) (formerly 2 U.S.C. §433(d)) and 11 CFR §102.3. In order to terminate your committee, you must file amendments to correct any problems on your 2016 July Quarterly Report and/or on any previous reports that still contain uncorrected errors or omissions. If you are not certain about what corrections need to be made, please contact the undersigned analyst. Once the FEC receives and approves the corrections to your report(s), it will notify you. Until that time, you must continue to file all required reports.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than July 15, 2016 for the 2016 July Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover page of the 2016 July Quarterly Report filed by Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer. The report includes the coverage period of April 7, 2016 through June 30, 2016 and was electronically filed on July 27, 2016.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 15th day of December, 2016.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized CommitteeRECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS16 AUG - 1 AM 10:42
Office Use Only1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT

Example: If typing, type
over the lines.

12FE4M5

Fetterman for Senate

ADDRESS (number and street)

PO Box F

☐ Check if different
than previously
reported. (ACC)

Braddock

PA

15104

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE

DISTRICT

C C00586578

3. IS THIS
REPORT☒ NEW
(N)

OR

☐ AMENDED
(A)

PA

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐ April 15 Quarterly Report (Q1)☒ July 15 Quarterly Report (Q2)☐ October 15 Quarterly Report (Q3)☐ January 31 Year-End Report (YE)☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☐ Primary (12P)☐ General (12G)☐ Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

In the
State of

(c) 30-Day POST-Election Report for the:

☐ General (30G)☐ Runoff (30R)☐ Special (30S)

Election on

In the
State of

5. Covering Period

04

07

2016

through

06

30

2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mrs Phyllis Greathouse-Brown

Signature of Treasurer

Date

07

19

2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the Penalties of 2 U.S.C. 437g

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 2016

Phyllis Greathouse-Brown, Treasurer
Fetterman for Senate
P.O. Box F
Braddock, PA 15104

C00586578
AF#: 3128

Dear Treasurer:

On September 15, 2016, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Fetterman for Senate and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2016 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$6,010 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRET

2017 FEB -3 AM 10:36

February 3, 2017

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3128 – Fetterman for Senate and
Phyllis Greathouse-Brown, in her official capacity as Treasurer (C00586578)

On September 15, 2016, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 July Quarterly Report and made a preliminary determination that the civil money penalty was \$6,010 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 25, 2016, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated December 15, 2016 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). The respondents have since indicated they will not be submitting a response to the ROR.

17-00000-1

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3128 involving Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3128 that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3128
Final Determination Recommendation:)
Fetterman for Senate and Phyllis)
Greathouse-Brown, in her official)
capacity as Treasurer (C00586578))

CERTIFICATION


I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 16, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF# 3128:

1. Adopt the Reviewing Officer recommendation for AF# 3128 involving Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3128 that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,010 civil money penalty.
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther and Weintraub voted affirmatively for the decision.

Attest:

February 16, 2017
Date


Dayna C. Brown
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 21, 2017

Adam C. Bonin
30 South 15th Street, 15th Floor
Philadelphia, PA 19102

Fetterman for Senate
C00586578
AF#: 3128

Dear Counsel:

On September 15, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2016 July Quarterly Report. By letter dated September 16, 2016, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,010 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 25, 2016, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$6,010 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on December 15, 2016.

On February 16, 2017, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Fetterman for Senate and Phyllis Greathouse-Brown, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$6,010. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

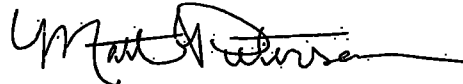
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$6,010 for the 2016 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Fetterman for Senate

FEC ID#: C00586578

AF#: 3128

PAYMENT AMOUNT DUE: \$6,010

